

TRANSPORTATION

Title 18

TRANSPORTATION¹

Sec. 18.1. Public transportation system, transit authority authorized.

Chapter 10 of the Private Acts of 1911 and all Acts amendatory thereof, constituting the charter of the City of Chattanooga, is hereby amended so as to provide that the City of Chattanooga, Tennessee, shall have authority to acquire, purchase, construct, extend, own, maintain and operate a system of street railroads and/or electric coaches and/or motor buses, or any other appropriate vehicles for the transportation for hire of passengers and their personal baggage upon any or all roads, streets or highways in said municipality, county, and the metropolitan area thereof, including the right to extend such service beyond county lines in the State of Tennessee; and upon compliance with the laws of other states, into foreign states. Such a system for the transportation of passengers may be under the direct jurisdiction, control and management of such municipality, or it is hereby authorized to create a transit authority or other operating or management entity or any public body by ordinance for the purpose of managing such a public transportation system, and to prescribe the qualifications and eligibility of members of such a transit authority, their terms of office, powers, and duties. (Priv. Acts 1970, Ch. 307, § 1)

Sec. 18.2. City authorized to subsidize private companies operating public transportation systems.

The said City of Chattanooga shall additionally have the power and authority to pay unto any existing private transportation system a reasonable subsidy for its operation, the amount thereof to be wholly in the discretion of the governing body of such municipality, to insure continued operation of a privately operated public transportation system in such municipality, county or intrastate or interstate metropolitan area. Any such subsidy payments heretofore made by the City of Chattanooga for such purposes are hereby confirmed, ratified and approved. (Priv. Acts 1970, Ch. 303, § 1; Priv. Acts 1970, Ch. 307, § 7)

¹**Editor's note**-Title 18, §§ 18.1-18.8 is derived from Private Acts 1970, Ch. 303, § 1, and Private Acts 1970, Ch. 307, §§ 1-8. The history note following each section indicates the derivation of each section.

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Sec. 18.3. Powers relating to establishment and operation of public transportation system.

The City of Chattanooga, or a transit authority or any public body created by it under the provisions of this act, shall have the power and authority to establish, acquire, purchase, construct, extend, improve, maintain and operate a public transportation system, including the purchase of any type vehicles necessary, car barns, terminals, garages, repair shops, buildings, lands, accessory apparatus, rights-of-way and easements, and all other appurtenances necessary, usual or proper to such a public transportation system for hire of passengers. Said municipality, or a transit authority or any public body created under the provisions of this act, shall have the power to make any and all contracts with any persons, partnerships, firms or corporations, public or private, necessary and incident to carry out this purpose. Such municipality or a transit authority or public body created by it shall have final authority to make a schedule of rates, fares and tolls for transportation services, which rates, fares and tolls shall be sufficient at all times to pay the operating expenses, repay the principal of bonds, or other indebtednesses, pay interest, create sinking funds and reserves for working capital, renewals and replacements, casualties, claims or judgments and other fixed charges, including payments in lieu of taxes to governmental bodies. Said municipality, or a transit authority or public body created by it, shall have the power and authority to promulgate and enforce such reasonable rules and regulations governing the operation of a public transportation system as may be reasonably necessary. (Priv. Acts 1970, Ch. 307, § 2)

Sec. 18.4. Scope and content of contracts and agreements relating to public transportation system.

The City of Chattanooga, or a transit authority or public body created by it, shall have the right to make any and all agreements with or applications to any person, firm, federal or state agency, municipality, or public or private corporation, relating to the acquisition, construction, maintenance and operation of all or any part of a public transportation system, and contracts for loans, grants or other financial assistance from any state or federal agency. Said City of Chattanooga, or a transit authority or public body created by it, is expressly granted the right to contract with any person, partnership or corporation, to manage and operate the transit system and to employ the necessary personnel under the direction and supervision of said municipality, or a transit authority created by it. Any such contracts made by the municipality, or transit authority or public body created by it, shall be entered into and executed in such manner as may be prescribed by the charter of the municipality, or the general laws of the State of Tennessee. (Priv. Acts 1970, Ch. 307, § 3)

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Sec. 18.5. Issuance of bonds or municipal notes to finance public transportation system.

The City of Chattanooga or a transit authority or public body created by it, shall have authority to issue general obligation or revenue bonds or municipal notes, or a combination of the same, for the creation, purchase or establishment of a public transportation system, to such extent and in such a manner as may now or hereafter be authorized by any applicable private or public act, or general law of the State of Tennessee, including, but without being limited to Section 6-1601 [7-36-101], et seq., Tennessee Code Annotated, as amended or as may hereafter be amended. (Priv. Acts 1970, Ch. 307, § 4)

Sec. 18.6. Agreements with state and federal governmental agencies relating to public transportation system.

The City of Chattanooga or a transit authority or public body created by it, shall have the power to enter into such agreements with other municipalities and counties within the State of Tennessee for the joint establishment, purchase and operation of public transportation systems in a metropolitan area. Said municipality, or a transit authority or public body created by it, or a combination of municipalities, counties, or other political subdivisions, shall likewise have the authority to enter into with other states and the counties and municipalities thereof, by interstate compact, or by agreement under the provisions of Section 12-801 [12-9-101], et seq., Tennessee Code Annotated, or under any other applicable state or federal acts. (Priv. Acts 1970, Ch. 307, § 5)

Sec. 18.7. Condemnation proceedings in connection with public transportation system.

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The City of Chattanooga, pursuant to this act, is hereby authorized and empowered to condemn, in the name of the City of Chattanooga, any or all of the existing street transportation systems, franchises and properties of any local public carrier, and any lands, easements or rights-of-way, either on, under or above the ground, for any and all purposes in connection with the acquisition, construction, operation, improvement or maintenance of said transportation system. Title to any such property so condemned shall be taken in the name of the City of Chattanooga, and such entity is empowered, immediately upon the filing of a petition for condemnation, to enter upon and take possession of the property described therein, provided that a resolution of the governing body of the City of Chattanooga shall provide that reasonable compensation for the property taken will be a proper charge against, and paid out of the general fund of the City of Chattanooga or the funds derived from the sale of general obligation or revenue bonds or any combination thereof, issued for the purpose of financing the acquisition or creation of a transportation system. No bond shall be required to be given in any such condemnation suit. Writs of injunction may be sought and obtained without the necessity of posting a bond, against any and all persons interfering in any way with the City of Chattanooga, its officers, agents or servants, in taking possession of, operating and using such property for the purposes for which it is condemned. The City of Chattanooga shall have all the powers granted in Section 23-1401 [29-16-101], et seq., Tennessee Code Annotated, including the right to condemn personal or intangible property devoted to public transportation use. (Priv. Acts 1970, Ch. 307, § 6)

Sec. 18.8. Resolution of necessity by city council required.

The provisions of this Act shall not be operative until the city council of the City of Chattanooga shall have determined by resolution the necessity of creating a transit authority, or acquiring the street transportation system herein authorized, and the judgment of the city council of the City of Chattanooga in this regard shall be final. (Priv. Acts 1970, Ch. 307, § 8)

Editor's note-In the opinion of the City Attorney, this section is modified by paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388.